



Vending in the Public Right of Way: Draft Policy Considerations

October 2013



Overview

DRAFT



Policy overview: City's right of way vending policy

Program Policy Objectives:

- Serve and protect the health, safety and welfare of the general public;
- Provide an amenity for pedestrians, residents, and visitors
- Establish a uniform set of rules and regulations related to vending in the public right of way which are fair and equitable;
- Enhance the overall appearance and environment along public streets, pedestrian ways and other public properties;
- Provide economic development opportunities for small entrepreneurs in the city; and
- Promote stable vendors who will enrich the city's ambiance and who will be assets to public security



Phase II street vending policy will authorize additional locations and add provisions for food trucks

- The City has identified an additional ~50 locations that meet zoning and distance requirements for vending and that have been included in previous ordinances. This list will need to be vetted with the community to determine the appropriate expansion set of locations
- The City is committed to expanding the ordinances that govern prepared foods, in particular those that govern food trucks. Currently, locations are limited per County law, and coordination with Fulton will be required to amend their ordinances to meet health inspection parameters but allow for increased location flexibility.
- Phase II timing is anticipated 1Q 2014 once current vending legislation is adopted and implemented



Policy proposal details



Proposed street vending policy: items permissible for sale

| Key terms | Rationale |
|---|--|
| 1. <u>Tourist or traveler convenience items:</u> <ul style="list-style-type: none">Weather-related supplies: umbrellas, scarves, hats, gloves, ponchosConvenience toiletries such as toothpaste, toothbrushes, hand soap, etc.Over-the-counter medicines such as aspirin, ibuprofen, antacid, etc.Cellphone accessories such as chargers, batteries, minute cards, etc.3rd-party produced souvenirs that celebrate Atlanta landmarks, institutions, or other city icons | <ul style="list-style-type: none">Improves service to citizens and visitors |
| 2. <u>Third Party published, non-explicit materials:</u> periodicals, newspapers, maps | <ul style="list-style-type: none">Provides standard citizen and visitor service |
| 3. <u>Non-alcoholic Beverages</u> – water and other beverages, plastic or aluminum sealed single serve containers (no glass) | <ul style="list-style-type: none">Provides standard citizen and visitor serviceProducts limited to plastic and aluminum to prevent breakage and support City's recycling goalsEliminates need for Department of Health oversight |
| 4. <u>Foods:</u> <ul style="list-style-type: none">Single serve sealed package foods (candy, popsicles, chips/bagged snacks);Foods that need to be heated on site (hot dogs, pretzels, coffee, etc) | <ul style="list-style-type: none">Initial policy focuses foods that can be vended from a cart that meets appearance guidelines; follow on policy will provide for vending from a Food TruckVendor must ensure that they are in compliance with any Fulton County Health Dept. regulations |
| 5. <u>Spirit Merchandise</u> <ul style="list-style-type: none">Licensed brand merchandise or merchandise branded with Atlanta, sport teams, or iconic Atlanta institutionsMust obtain full approvals of organization for merchandise sold; proof of agreement will be required at time of permitting and must be maintained on site at vending locationAllowable merchandise limited to: shirts, hats, scarves, gloves | <ul style="list-style-type: none">Prevents counterfeit items from being soldPromotes city spirit |
| 6. <u>Cut Flowers, single-stem or bunched</u> | <ul style="list-style-type: none">National best practice |
| 7. <u>Seasonal and Holiday items</u> | <ul style="list-style-type: none">Provides popular citizen and visitor servicePromotes city spirit |



Proposed street vending policy: appearance

| Key terms | Rationale |
|--|--|
| Appearance | |
| <p>1. Vending will be permitted only from official kiosks and carts that meet standards outlined in this ordinance*. Other than in official kiosks, vending will be prohibited from tables, semi-permanent or permanent structures</p> <p><i>*Possibly requires a change to the private property vending ordinance</i></p> | <ul style="list-style-type: none">• Helps ensure consistent enforcement• Enhances attractiveness of pedestrian environment through consistent look and feel• Increases mobility of vending equipment; important given prohibition of semi-permanent and permanent structures• Increases public safety |
| <p>2. All carts/signage must publicly display valid permit and applicable licenses</p> | <ul style="list-style-type: none">• Assures public that vendor has been vetted and is allowed to vend;• Allows for easier enforcement by APD |
| <p>3. A dimensional drawing that makes clear the footprint and placement of the cart must be included in the permit application, and is subject to approval by City <i>prior</i> to permit issuance. (For existing vending devices, 5" x 7" color photos may be provided in addition to the above-described drawing.)</p> | <ul style="list-style-type: none">• Enhances attractiveness of pedestrian environment;• Ensures use of good composition, quality materials, and design• Improves City's ability to enforce vending policies and ensure proper pedestrian environment |



Proposed street vending policy: appearance, continued

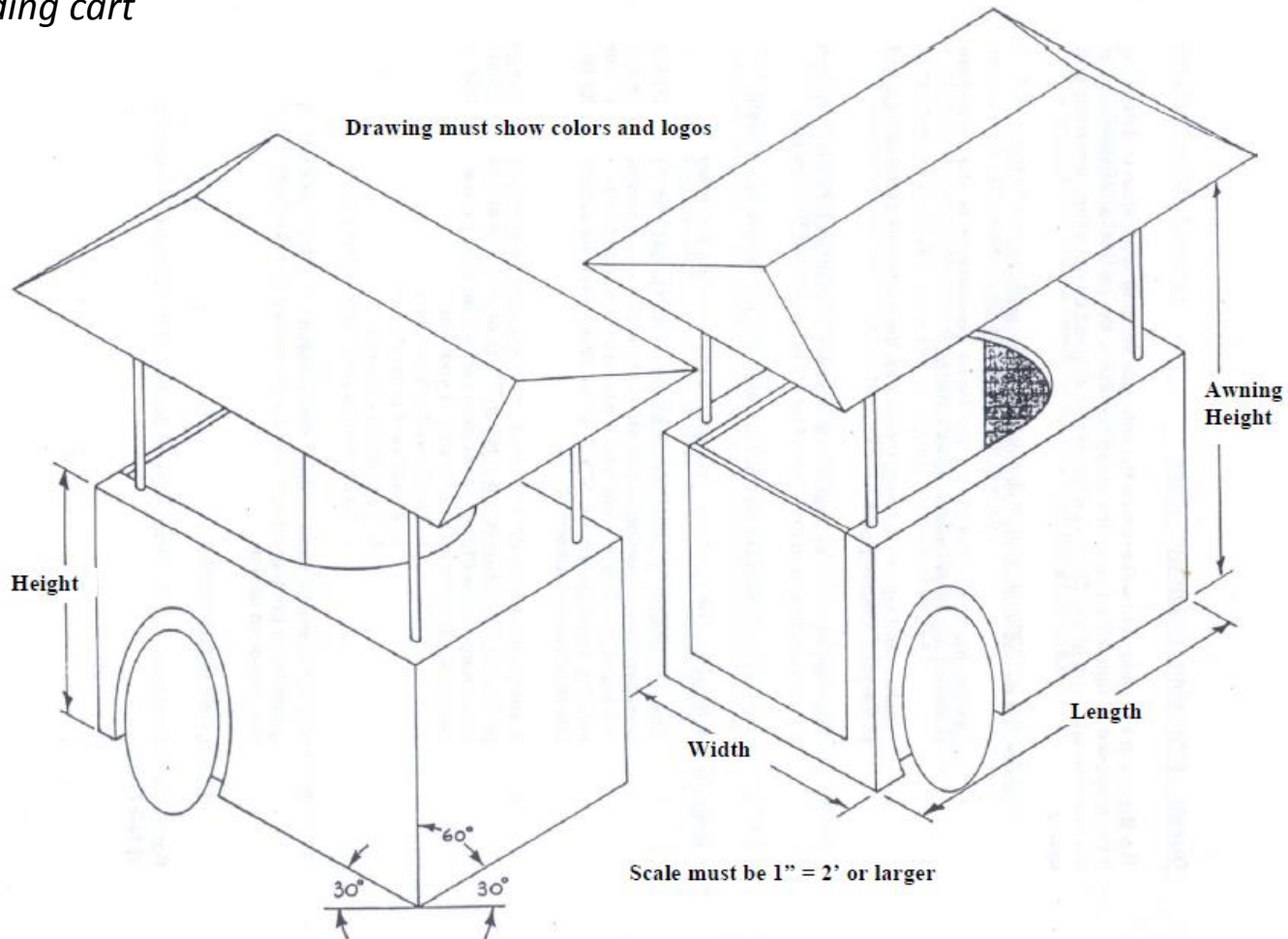
| Key terms | Rationale |
|--|---|
| Appearance, continued | |
| <p>4. All items must be sold from vending cart; specific size requirements and standard design for all carts are as follows:</p> <ul style="list-style-type: none">• Operating area shall not exceed 28 square feet of sidewalk , including the area of the vending cart, and, when externally located, the operator and trash receptacle;• Length of the cart shall not exceed seven ft, width shall not exceed 4 ft and height - excluding canopies, umbrellas, or transparent enclosures - shall not exceed five feet;• Umbrellas or canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;• Umbrellas or canopies not to exceed forty-eight square feet (8 ft by 6 ft);• All carts must be mobile, and able to roll on wheels;• Design, materials ,and colors are to be of high quality (natural wood or metal products) and considerate of the immediate surroundings of the proposed location;• Materials must be in a good state of repair (working order, no peeling paint, no visible defects or areas requiring maintenance);• Wheels located under the cart are preferred (such as casters), projecting wheels must have fenders;• Hitches attached to cart must be removable and detached when in operation;• If used, propane tanks should be enclosed | <ul style="list-style-type: none">• Modeled after Portland, OR ordinance (best practice)• Enhances attractiveness of pedestrian environment;• Ensures use of good composition, quality materials, and design• Allows for greater mobility, which improves safety and supports enforcement• Ensures consistent and equitable space utilization |



Proposed street vending policy: appearance, continued

Example of Dimensional Cart Drawing to be submitted with Application Packet

Note: this is not a representation or requirement for the design or configuration of the vending cart





Proposed street vending policy: appearance, continued

The Do's

Examples of Well Crafted Carts



umbrella

high-quality wood materials



canopy

well-crafted, creative design

caster wheels



spacious cart holds all equipment

caster wheels



umbrella

fenders



playful graphics

caster wheels



canopy

propane tank contained within cart

high-quality construction



Proposed street vending policy: appearance, continued

The Don'ts

Examples of Design Features that are Discouraged



Propane tank not enclosed

hitch has not been removed



accessory equipment on sidewalk



poorly crafted design and low-quality materials



wash buckets not securely attached to outside of cart



accessory equipment on separate shelving unit outside cart

propane tank on sidewalk



grill is separately attached and not contained within cart



Proposed street vending policy: cost and administration guidelines

| Key terms | Rationale |
|---|---|
| Cost and Administration | |
| 1. Permitting will be issued by the Office of Revenue; one single point of entry for all customers requiring permits | <ul style="list-style-type: none">• Provides for a single point of contact for permitting with the City; streamlines process• Allows city to accept payment through consolidated system |
| 2. Permit Application fees \$75/permit for all vending locations*; additional maintenance fee of \$2500/year required for kiosk locations <i>* Per State law, disabled veterans, able to provide proof of status, will be exempt from application fees</i> | <ul style="list-style-type: none">• Application fees will cover permitting function• Permit Fees incorporate all administrative and enforcement costs• Fees for Kiosks will incorporate cost to City of kiosk maintenance |
| 3. Permits issued for specified vending location; vendor can hold multiple permits with total number of permits per vendor limited to no more than 10% of available vending locations | <ul style="list-style-type: none">• Allows City to manage and maintain control over program through limits on number of vendors and locations;• Multiple permits for vendors provides additional business opportunity for vendors |
| 4. All vendors required to have auditable point-of-sale system to track and report on sales revenue and appropriate taxation in compliance with State law <i>To be amended in private property vending policy to ensure regulatory alignment</i> | <ul style="list-style-type: none">• Allows the City to fairly and consistently apply state law and reliably collect and account for tax revenues• New technologies provide a range of low cost POS options• New technology developments in POS systems have created several low cost options (lowest cost options are based on per transaction fee with no upfront costs; cost can be passed onto customer) |



Proposed street vending policy: cost and administration guidelines

| Key terms | Rationale |
|--|---|
| Cost and Administration, continued | |
| 5. Permits to be re-issued for previous kiosk vendors in good standing | <ul style="list-style-type: none">• Ensures that Vendors that were in kiosks and had built businesses in those locations are able to return to the previous locations |
| 6. Permits offered for remaining Phase 1 locations on a lottery basis for each individual location; renewable each one year period; non-transferrable; applicants are required to list total desired number of locations on application with individual vendors limited to no more than 10% of available locations | <ul style="list-style-type: none">• Ensures fairness in permitting process• Allows greater access for a larger number of small businesses |
| 7. For kiosk locations only: City retains ownership of kiosk, including rights to advertise in kiosks; City manages all external maintenance which is covered by annual maintenance fees. Vendors will be provided access to breaker panels, etc., for self-maintenance if required | <ul style="list-style-type: none">• Streamlines repair process, allows vendors to self-correct minor issues without having to interrupt business or wait on City response |



Proposed street vending policy: locations

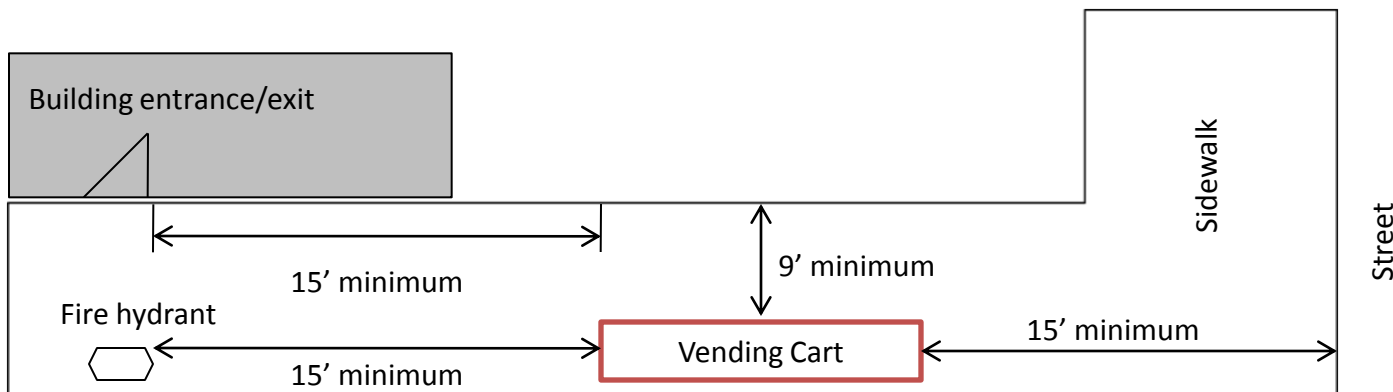
| Key terms | Rationale |
|--|--|
| Locations* | |
| <p>1. Vending will only be permitted in specific, defined locations</p> <ul style="list-style-type: none">• <i>Phase 1 locations include 19 City-owned Kiosks as well as 12 proposed locations in Downtown *</i>• <i>Phase 2 locations to include the Beltline and additional spaces established through assessment of City right-of-way space</i>• <i>City vending will not be permitted at MARTA locations (pending discussions with MARTA management)</i> | <ul style="list-style-type: none">• Phased approach helps City effectively manage and enforce program through roll-out• Defined locations allows City to maintain control over program• Allows for APD to locate vendors more easily to ensure compliance with regulations |
| <p>2. No vending in general right of way between 12am-7am</p> | <ul style="list-style-type: none">• No change from prior vending ordinance• Promotes vendor/public safety |

* See Appendix for a detailed list of proposed vending locations; locations being vetted by DPW



Proposed street vending policy: locations

| Key terms | Rationale |
|---|---|
| Locations* <p>3. Distance requirements mirror requirements of private vending policy:</p> <ul style="list-style-type: none"> • Not w/in 15' of street intersection/pedestrian walkway or 15' of building entrance/exit or 50' of hotel/motel • Not w/in 15' of another vending locations • 1,500 feet of permanent business selling same or similar product • Minimum of 9' unobstructed pedestrian space • No vending location shall be within 15 feet of a fire hydrant • No vending location shall be within 600 feet of the closest property line of any public or private elementary, middle or high school • Vending operations shall not unduly obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise • A person engaged in food vending shall affix to the vending cart a receptacle for litter which shall be maintained and emptied regularly (not into City trashcans) | <ul style="list-style-type: none"> • No change from prior vending ordinance • Provides for pedestrian and traffic safety • Minimizes affect on brick and mortar businesses |



* See Appendix for a detailed list of proposed vending locations; locations being vetted by DPW



Proposed street vending policy: enforcement

| Category | Rationale |
|--|---|
| Key terms | |
| 1. The License & Permits Unit within APD, which handles the permitting process for a number of other trades, would be the primary unit responsible for inspecting/citing vendors as needed | <ul style="list-style-type: none">• While permitting for vending will take place through the Office of Revenue, the License & Permits Unit within APD is best qualified to oversee inspections and the issuance of citations as a result of non-conformance to policy |
| 2. For Phase 2, APD will also train its Path Force personnel on the vending legislation to allow Path Officers who are riding their bicycles on the Atlanta Beltline every day, to conduct inspections and issue citations as needed | <ul style="list-style-type: none">• Due to the uniqueness of the Beltline – that being vehicular traffic is discouraged – Path Force officers are uniquely suited to enforce vending on the Atlanta Beltline |
| 3. Failure to comply with any provisions of the ordinance that result in a the finding of a violation, will be penalized, as follows*: <ul style="list-style-type: none">• First violation: fine of up to \$100• Second violation: minimum fine of \$100, up to \$1000 and/or suspension, up to revocation of permit• Third violation within a 24 month period: revocation of permit | <ul style="list-style-type: none">• Penalties are structured to be in line with comparable city penalties• Provides for the ability of City to increase penalties for multiple offenders |
| 4. Any appeals against APD enforcement will be managed through existing License Review Board procedures | <ul style="list-style-type: none">• Follows existing processes to ensure smooth operations |

* Permits may be suspended or revoked by APD for reasons listed in Ordinance Sec. 30-1489, which include: failure to maintain initial qualifications, fraud, misrepresentation or false statements contained in the application , or with the selling of any article, merchandise, produce or permissible food item



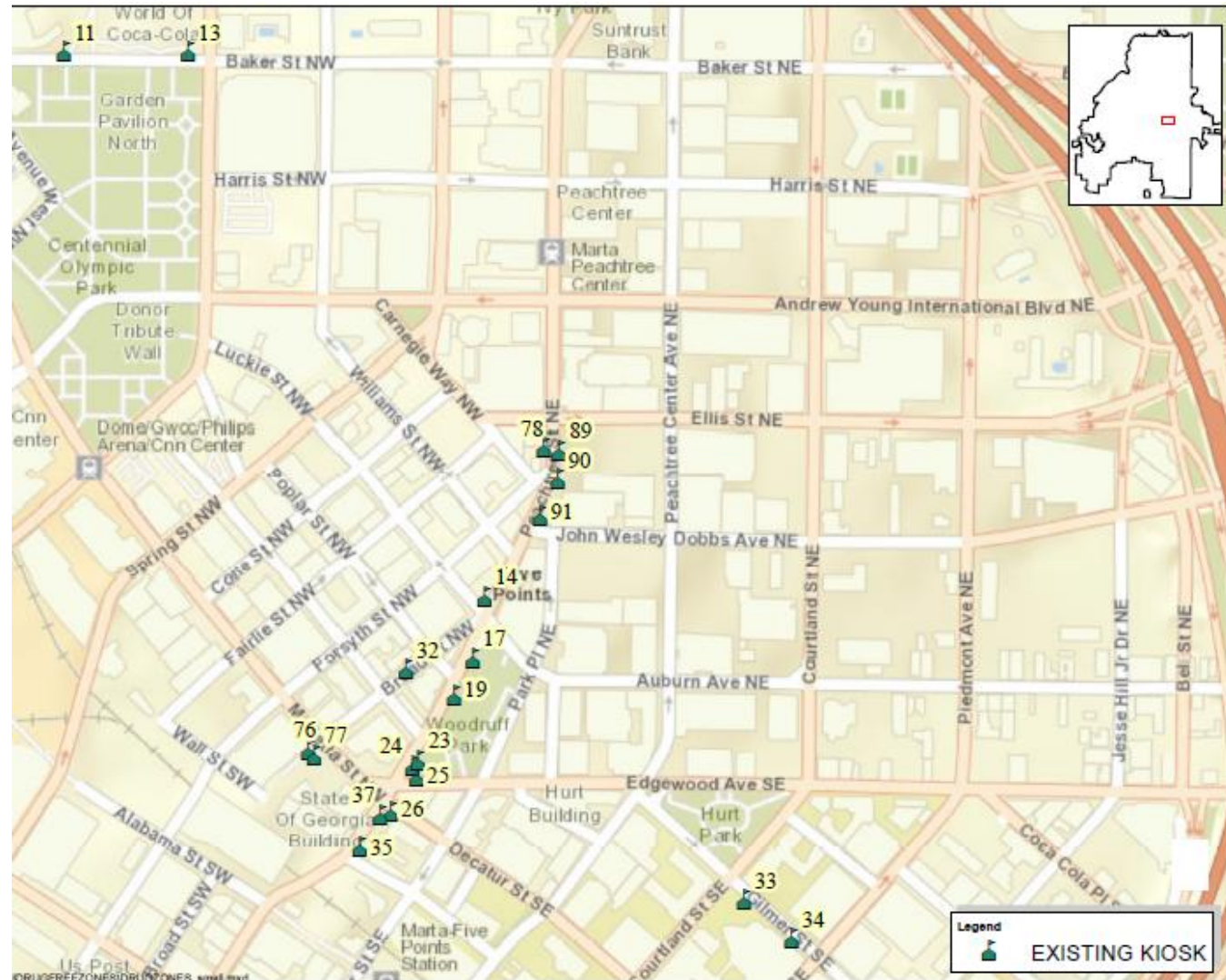
Phase I Location Details



Detailed list of *proposed* street vending locations Phase I: Kiosk locations (19)

19 Kiosk Locations

| # | Location |
|----|-------------------------|
| 11 | World of Coke/Aquarium |
| 13 | World of Coke/Aquarium |
| 14 | Peachtree Street @Lucky |
| 17 | Woodruff Park |
| 19 | Woodruff Park |
| 23 | Woodruff Park |
| 24 | Woodruff Park |
| 25 | Woodruff Park |
| 26 | Peachtree & Decatur |
| 32 | Broad Street |
| 33 | GSU |
| 34 | GSU |
| 35 | Peachtree |
| 37 | Peachtree @ Decatur |
| 76 | Broad Street Plaza |
| 77 | Broad Street Plaza |
| 78 | Peachtree Center |
| 90 | GA Pacific |
| 91 | GA Pacific |





Detailed list of possible street vending locations

Phase I: Downtown Vending Cart locations (10)

General Right of Way Locations: (10 locations)

West End:

Locations 7-1, 7-2, 7-3, 7-4 and 7-5. The east side of Lee Street south of Ralph David Abernathy Boulevard

Government Walk:

Location 8-3. The southwest side of Washington Street and Mitchell Street (one location).

Location 8-4. The west side of Washington Street between Mitchell Street and Trinity Avenue

Locations 8-5 and 8-6. The east side of Peachtree Street between Martin Luther King, Jr. Drive and Mitchell Street (two locations).

Location 8-9. Broad Street SW (between MLK Jr. Drive to Trinity Ave.)



Possible street vending locations pending City Council and public feedback



Detailed list of possible street vending locations

Phase I: Downtown Food Cart locations (2)

Food Cart/Hot Dog Locations: (2 locations)

Location FC1: Woodruff Park on the east side of Peachtree Street from Auburn Avenue to Edgewood Avenue

Location FC2: 240 Peachtree St at the Peachtree Center



Possible food cart or hot dog vending locations pending City Council and public feedback



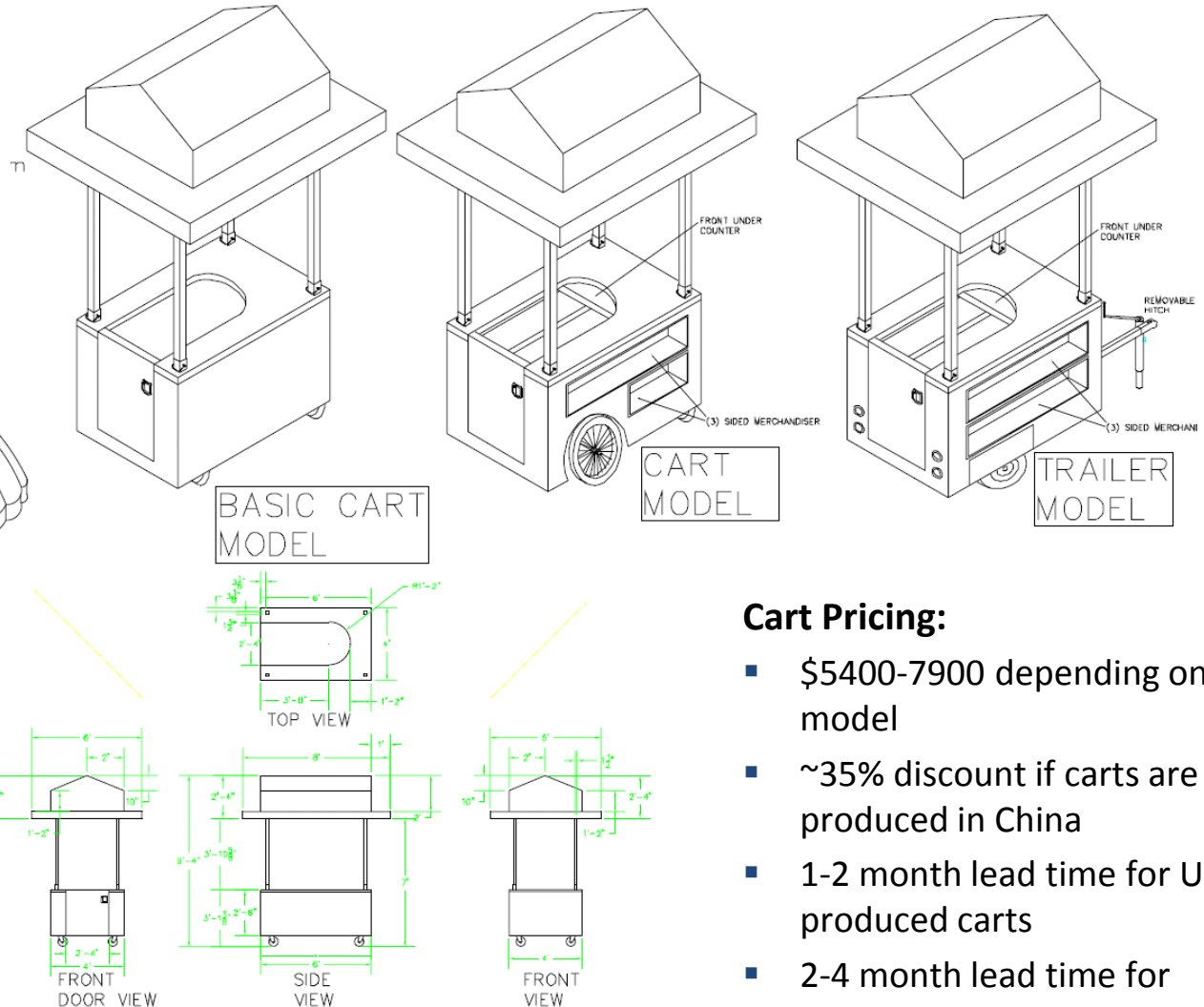
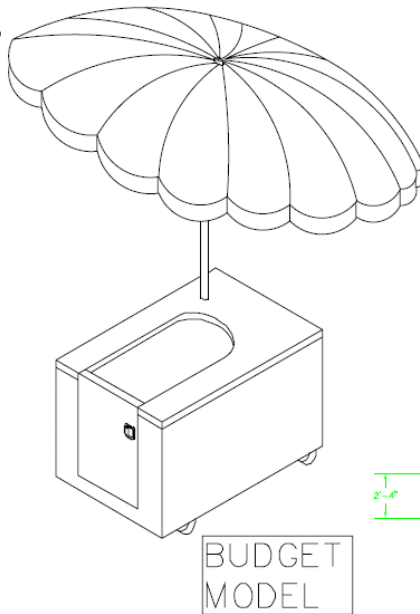
Sample Cart Specs



City of Atlanta Vending Cart Mock-ups: Option 1

Cart Details:

- All metal construction made of 304 stainless steel
- Retractable aluminum awning
- Non-corrosive materials
- Powder coat using standard colors



Cart Pricing:

- \$5400-7900 depending on model
- ~35% discount if carts are produced in China
- 1-2 month lead time for US produced carts
- 2-4 month lead time for China produced carts



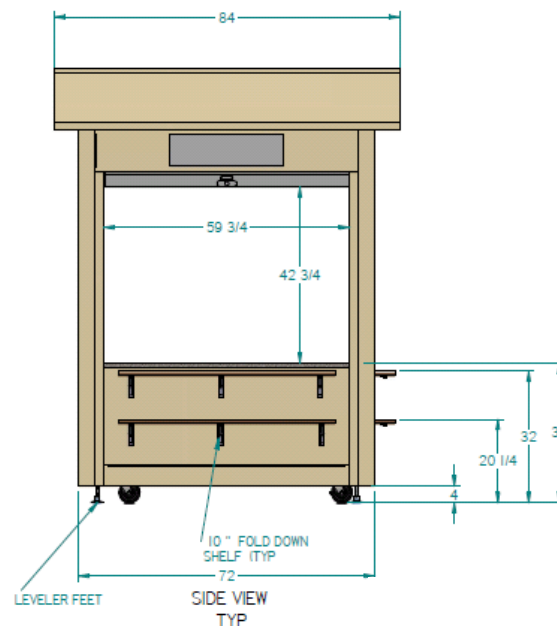
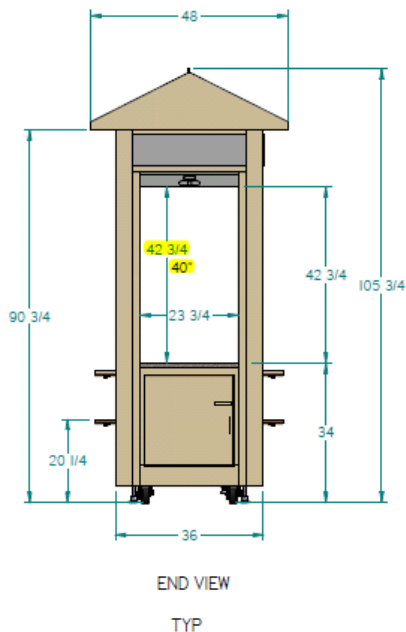
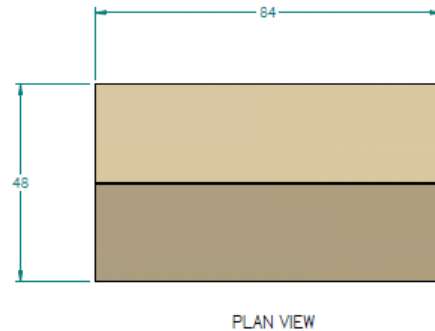
Detailed Pricing for Option 1

| | Budget Model | Basic Model | Cart Model | Trailer Model |
|-----------------|--------------|-------------|------------|---------------|
| US Pricing | \$5,440 | \$5,700 | \$7,200 | \$7,920 |
| US Lead Time | 1-2 months | | | |
| China Pricing | \$3,400 | \$3,700 | \$4,500 | \$4,950 |
| China Lead Time | 2-4 months | | | |



City of Atlanta Vending Cart Mock-ups: Option 2

PRELIMINARY CONCEPT
RENDERING



Cart Details:

- All metal construction including aluminum roof, stainless steel base, galvanized body with metal counter top
- Powder coat using standard colors
- Includes flip up shelves
- Casters

Pricing:

- \$6,400/cart for 10+ carts
- ~\$10,000/cart if individual carts purchased
- Shipping costs are \$3,500/trip; each trip can accommodate 7 carts
Single cart delivery based on individually negotiated price
- 2 Month Lead Time